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NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

SERGIO JUAREZ-MORALES,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

Nos. 06-74974

07-70165

Agency No. A34-212-454

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 26, 2008**

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

In these consolidated petitions for review, Sergio Juarez-Morales, a native and citizen of Mexico, petitions pro se for review of two orders of the Board of Immigration Appeals (“BIA”), one dismissing his appeal from an immigration

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

judge's removal order and the other denying his motion to reopen. We have jurisdiction pursuant to 8 U.S.C. § 1252. *See Fernandez-Ruiz v. Gonzales*, 468 F.3d 1159, 1163 (9th Cir. 2006). We review de novo questions of law, *id.*, and we review for abuse of discretion denial of a motion to reopen, *Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004). We deny the petitions for review.

Juarez-Morales's contention that his conviction for possession of drug paraphernalia in violation of Arizona Revised Statutes section 13-3415 is not a crime relating to a controlled substance under 8 U.S.C. § 1227(a)(2)(B)(i) is foreclosed by *Luu-Le v. INS*, 224 F.3d 911, 916 (9th Cir. 2000). We reject Juarez-Morales's request that we revisit *Luu-Le*. *See Gee v. Southwest Airlines*, 110 F.3d 1400, 1406 (9th Cir. 1997) ("In this circuit, a panel cannot overturn a decision of a previous panel except by en banc review, unless there has been an intervening statutory change or Supreme Court decision.").

The BIA did not abuse its discretion in denying Juarez-Morales's motion to reopen because Juarez-Morales's conviction was set aside pursuant to Arizona Revised Statutes section 13-907(A), a state rehabilitative statute, and therefore, remained valid for immigration purposes. *See Nath v. Gonzales*, 467 F.3d 1185, 1188-89 (9th Cir. 2006) (a vacated conviction can serve as the basis of removal if

the conviction was vacated for equitable, rehabilitation or immigration hardship reasons); *see also Murillo-Espinoza v. INS*, 261 F.3d 771, 774 (9th Cir. 2001).

PETITIONS FOR REVIEW DENIED.